

APPENDIX E

SECOND AMENDED NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

(REDLINED)

***This is a Court approved Legal Notice. You are not being sued.
This is not a solicitation from a lawyer.***

Para el notificación en Español visite nuestro sitio web.

United States District Court for the Northern District of California

In re: Facebook, Inc. Consumer Privacy User Profile Litigation, Case No. 3:18-md-02843-VC

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

If you were a Facebook user in the United States between May 24, 2007, and December 22, 2022, inclusive, you may be eligible for a cash payment from a Class Action Settlement.

- A Settlement¹ has been reached between Defendant Facebook, Inc., now known as Meta Platforms, Inc., (“Meta” or “Defendant”) and Plaintiffs in a class action lawsuit pending in the United States District Court for the Northern District of California.
- You are included in this Settlement as a Settlement Class Member if you were a Facebook user in the United States between May 24, 2007, and December 22, 2022, inclusive.
- The lawsuit is known as *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, Case No. 3:18-md-02843-VC (N.D. Cal.). Defendant denies that it violated any law but has agreed to the Settlement to avoid the costs and risks associated with continuing this case.
- Your rights are affected whether you act or don’t act. Please read this Notice carefully.

| SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT | | DEADLINE |
|---|---|------------------------|
| SUBMIT A CLAIM | The only way to receive a cash payment from this Settlement is by submitting a timely and properly completed Claim Form that obtains approval from the Settlement Administrator. The Claim Form must be submitted no later than [CLAIMS SUBMISSION DEADLINE] . You can submit your Claim Form online at [INSERT WEBSITE] or download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may | [DEADLINE DATE] |

¹ All capitalized terms not defined in this document have the same meaning as in the Settlement Agreement, which can be viewed at **[INSERT WEBSITE]**.

| SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT | | DEADLINE |
|---|--|------------------------|
| | <p>also call the Settlement Administrator to receive a paper copy of the Claim Form.</p> <p>If your claim is approved by the Settlement Administrator, you will give up the right to sue the Defendant in a separate lawsuit about the legal claims or factual allegations this Settlement resolves.</p> <p>For more information see Question 10.</p> | |
| OPT OUT OF THE SETTLEMENT | <p>You can choose to opt out of the Settlement and receive no payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims and factual allegations resolved by this Settlement. You can choose to hire your own legal counsel at your own expense.</p> <p>For more information see Question 16.</p> | [DEADLINE DATE] |
| OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING | <p>If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't like the Settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for a payment.</p> <p>For more information see Question 17.</p> | [DEADLINE DATE] |
| DO NOTHING | <p>Unless you opt out of the settlement, you are automatically part of the Settlement. If you do nothing, you will not get a payment from this Settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims or factual allegations resolved by this Settlement.</p> | No Deadline |

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement.

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BASIC INFORMATION

1. Why was this Notice issued?

A federal court authorized this Notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

For information on how to determine if you are a Settlement Class Member, and therefore eligible for benefits under this settlement, see **Question 5**.

2. What is this lawsuit about?

Numerous lawsuits were brought on behalf of Facebook users who allege that Facebook (now Meta Platforms, Inc.) shared or otherwise made accessible to third parties (including but not limited to third-party app developers, “whitelisted” parties, business partners, advertisers, and data brokers) user data and data about users’ friends without permission of the users whose data was shared, and did not sufficiently monitor and enforce third-party access or use of that data. The Honorable Vince Chhabria of the United States District Court for the Northern District of California was appointed to oversee these lawsuits, which have been consolidated as *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, Case No. 3:18-md-02843-VC (N.D. Cal.). The people that filed this lawsuit are called the “Plaintiffs” and the company they sued, Facebook, Inc. (now Meta Platforms, Inc.) is called the “Defendant.” Settlement Class Members include all Facebook users in the United States between May 24, 2007, and December 22, 2022, inclusive. Meta expressly denies any liability or wrongdoing.

3. What is a class action?

In a class action, one or more individuals sue on behalf of other people with similar claims. These individuals are known as “class representatives.” Together, the people included in the class action are called a “class” or “class members.” One court resolves the lawsuit for all class members, except for those who opt out from a settlement. In this Settlement, the Settlement Class Representatives are Plaintiffs Steven Akins, Jason Ariciu, Anthony Bell, Bridgett Burk, Terry Fischer, Tyler King, Jordan O’Hara, and Cheryl Senko.

4. Why is there a Settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Defendant denies all claims and that it violated any law. Plaintiffs and Defendant agreed to a Settlement to avoid the costs and risks of a trial, and to allow the Settlement Class Members to receive payments from the Settlement. The Settlement Class Representatives and their attorneys think the Settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

5. Who is in the Settlement?

The Settlement Class includes all Facebook users in the United States between May 24, 2007, and December 22, 2022, inclusive (the “Class Period”).

You may file a claim if you were a Facebook user in the United States between May 24, 2007, and December 22, 2022, inclusive. Each Settlement Class Member may only file one claim.

6. Are there exceptions to being included?

Yes. The Settlement Class does not include: (i) all persons who are directors, officers, legal representatives, alleged co-conspirators, and agents of Defendant or its wholly or partly owned subsidiaries or affiliated companies or employees of Defendant or its subsidiaries and affiliated companies; (ii) counsel for any plaintiff whose case was consolidated into this MDL and their employees, including but not limited to Class Counsel for Plaintiffs and their employees; (iii) the Special Master, Discovery Mediators, and Settlement Mediator who participated in this case and their staff; and the Judges and Court staff, as well as any appellate court to which this matter is ever assigned; and (iv) eligible persons who elect to opt out of the Settlement Class.

You may file a claim if you were a Facebook user in the United States between May 24, 2007, and December 22, 2022, inclusive.

If you are not sure whether you are included in the Settlement Class, you can ask for free help by emailing the Settlement Administrator at **[INSERT EMAIL]** or calling the Settlement Administrator at **[INSERT PHONE NUMBER]**. You may also view the Settlement Agreement at **[INSERT WEBSITE]**.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

If the Settlement is approved by the Court, Meta will establish a Settlement Fund of seven hundred twenty-five million dollars (\$725,000,000.00) to pay all valid claims submitted by the Settlement Class Members, as well as notice and administration expenses, any attorneys’ fees and costs, and any Service Awards for the Settlement Class Representatives.

8. How much will my payment be?

The answer depends on how many Settlement Class Members submit valid claims and how long you were a user on Facebook during the Class Period.

First, the total amount distributed will be the Settlement Fund minus the Administrative Costs, any amount awarded by the Court as fees and costs to Class Counsel, and any Service Awards to the Settlement Class Representatives. The resulting amount is called the “Net Settlement Fund.” The Net Settlement Fund is the amount of money available to be distributed to Settlement Class Members.

Next, the Net Settlement Fund will be allocated to Settlement Class Members who submit valid claims, also called “Authorized Claimants.” The Settlement Administrator will assign each Authorized Claimant one point for each month in which the Authorized Claimant had an activated Facebook account during the Class Period.

After the deadline for submitting a claim (see **Question 11** below), the Settlement Administrator will add up all the points assigned to all the Authorized Claimants and divide the Net Settlement Amount by that number. The result will be the amount of the Net Settlement Fund available for each point. Each Authorized Claimant will receive that per-point amount multiplied by the number of points they were assigned.

9. What claims am I releasing if I stay in the Settlement Class?

Unless you exclude yourself from the Settlement, you cannot sue, continue to sue, or be part of any other lawsuit against the Defendant about any of the legal claims this Settlement resolves or the factual allegations on which this case is based. The “Released Claims” section in the Settlement Agreement describes the legal claims that you give up (“release”) if you remain in the Settlement Class. In summary, unless you exclude yourself from the Settlement, you will release any and all claims of any type based on any theory of recovery that are based on, relate to, or arise out of the identical factual predicate as the allegations in this Action. The Released Claims language section is in paragraph 73 Settlement Agreement, which can be found at **[INSERT WEBSITE]**.

HOW TO GET A PAYMENT—MAKING A CLAIM

10. How do I submit a claim and get a cash payment?

You may file a claim if you were a Facebook user in the United States between May 24, 2007 and December 22, 2022, inclusive.

Claim Forms may be submitted online at **[INSERT WEBSITE]** or printed from the Settlement Website and mailed to the Settlement Administrator at: **[INSERT ADDRESS]**.

You may also contact the Settlement Administrator to request a Claim Form by telephone **[INSERT PHONE NUMBER]**, by email **[INSERT EMAIL]**, or by U.S. mail at **[INSERT ADDRESS]**.

11. What is the deadline for submitting a claim?

If you submit a claim by U.S. mail, the completed and signed Claim Form must be postmarked by **[INSERT CLAIMS SUBMISSION DEADLINE]**. If submitting a Claim Form online, you must do so by **11:59 p.m. PST on [INSERT CLAIMS SUBMISSION DEADLINE]**.

12. When will I get my payment?

The Court has scheduled a Final Approval Hearing for the Settlement of this case on **[INSERT FINAL APPROVAL HEARING DATE]** at **[INSERT FINAL APPROVAL HEARING TIME]** PST to consider: (1) whether to approve the Settlement; (2) any objections to the Settlement or any of its terms submitted to the Court; (3) the requests for awards to the Settlement Class Representatives; and (4) the request for an award of attorneys' fees and costs to Class Counsel for their work in this litigation. If the Court approves the Settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement payments will be distributed as soon as possible if the Court grants Final Approval of the Settlement and after any appeals are resolved.

The briefs and declarations in support of the Final Approval of the Settlement and the requests described above will be posted on the Settlement Website, **[INSERT WEBSITE]**, after they are filed. You may ask to appear at the Final Approval Hearing but you do not have to appear. The date and time of the Final Approval Hearing is also subject to modification by the Court. Please review the Settlement Website for any updated information regarding the Final Approval Hearing.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court has appointed Derek W. Loeser of Keller Rohrback L.L.P. and Lesley E. Weaver of Bleichmar Fonti & Auld LLP to represent the Settlement Class as Class Counsel. You will not be charged for their services.

Derek W. Loeser
Keller Rohrback L.L.P.
1201 Third Ave., Suite 3200
Seattle, WA 98101

Lesley E. Weaver
Bleichmar Fonti & Auld LLP
555 12th Street, Suite 1600
Oakland, CA 94607

14. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel works for you. If you want to be represented by your own lawyer, you may hire one at your own expense.

15. How will the lawyers be paid?

Class Counsel will ask the Court for an award of attorneys' fees not to exceed 25% of the Settlement Fund, as well as reasonable expenses incurred in the litigation. They will also ask the Court to approve a Service Award for each of the Settlement Class Representatives not to exceed \$15,000 each. The Court may award less than these amounts. If approved, these fees, expenses and awards will be paid from the Settlement Fund.

EXCLUDING YOURSELF FROM THE SETTLEMENT

16. How do I opt out of the Settlement?

If you do not want to receive any benefits from the Settlement, and you want to keep your right, if any, to separately sue the Defendant about the legal issues or factual allegations in this case, you must take steps to exclude yourself from the Settlement Class. This is called "opting out" of the Settlement Class. The deadline for requesting to opt out is **[INSERT OPT OUT DEADLINE]**.

To exclude yourself from the Settlement, you may submit a completed and signed Opt-Out Form opt-out request online at **[INSERT WEBSITE]** ~~can~~ or by U.S. mail at the below address. You may also submit a written request for exclusion by U.S. mail at the below address that includes the following information: (i) the case name of the Action, *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, Case No. 3:18-md-02843-VC (N.D. Cal.); (ii) your name and current address; (iii) your personal signature; (iv) a statement clearly indicating your intent to be excluded from the Settlement (the request can only be made for you, not on another person's behalf unless made by a person who has legal guardianship); (v) your Facebook account URL (if reasonably available) and the email address and telephone number associated with your Facebook account; and (vi) a statement that you were a Facebook user during the Class Period.

[INSERT SETTLEMENT ADMIN ADDRESS]

If you exclude yourself, you are stating to the Court that you do not want to be part of the Settlement. You will not be eligible to receive a payment if you exclude yourself. You may only exclude yourself – not any other person, unless that person is under your legal guardianship (such as a minor child). Opt-out requests seeking exclusion on behalf of more than one individual will be found invalid by the Settlement Administrator.

If submitted electronically, your request to opt-out must be submitted and verified using a link sent to the email you provide with your opt-out request no later than 11:59 p.m. PST on or before **[INSERT OPT OUT DEADLINE]**, 2023.

If submitted by U.S. mail, the written request to opt-out must be postmarked no later than **[INSERT OPT OUT DEADLINE]**, 2023.

COMMENTING ON OR OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I like or do not like the Settlement?

If you are a Settlement Class Member, you can choose to object to the Settlement if you do not like it or a portion of it. You can ask the Court to deny approval by filing an objection. You can give reasons why you think the Court should not approve it. The Court will consider your views. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out, and the lawsuit will continue. If that is what you want to happen, you should object.

Any comments or objections from Settlement Class Members regarding the proposed Settlement Agreement must be submitted in writing to the Court either by mailing them to the Class Action Clerk, United States District Court for the Northern District of California; or by filing them in person at any location of the United States District Court for the Northern District of California, and they must be filed or postmarked on or before **[INSERT OBJECTION DEADLINE]**.

**Class Action Clerk
United States District Court for the Northern District of California
450 Golden Gate Avenue, Box 36060
San Francisco, CA 94102-3489**

Your objection must include: (i) the case name and number: *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, Case No. 3:18-md-02843-VC (N.D. Cal.); (ii) your full name, address, telephone number, and email address; (iii) your Facebook account URL (if reasonably available) and the email address associated with your Facebook account; (iv) the full name, address, telephone number, and email address of your counsel (if you are represented by counsel); (v) a statement that you were a Facebook user during the Class Period and the dates of such use; (vi) a statement of whether your objection applies only to you, to a specific subset of the class, or to the entire class; (vii) a statement of the number of times in which you (and, where applicable, your counsel) have objected to a class action settlement, along with the caption of each case in which you (or your counsel) made such objection; (viii) a statement of whether the objector has sold or otherwise transferred the right to their recovery in this Action to another person or entity, and, if so, the identity of that person or entity; (ix) a statement of the specific grounds for the objection, including any legal or factual support and any evidence in support of the objection; (x) a statement of whether you intend to appear at the Final Approval Hearing, and if so, whether personally or through counsel; and (xi) your signature. These requirements may be excused by the Court upon a showing of good cause.

You or your attorney may speak at the Final Approval Hearing about your objection. To do so, you must include a statement in your objection indicating whether you or your attorney intend to appear at the Final Approval Hearing. This requirement may be excused by the Court upon a showing of good cause. [You may also appear at the Final Approval Hearing without submitting a written objection upon a showing of good cause.](#)

18. What is the difference between objecting and excluding?

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is opting out and stating to the Court that you do not want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When is the Court's Final Approval Hearing?

The Court has scheduled a Final Approval Hearing at [INSERT TIME] PST on [INSERT FINAL APPROVAL HEARING DATE]. The hearing will proceed ~~If the hearing proceeds in person, it will be held at the San Francisco Courthouse, Courtroom 4—17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102. If the Court holds the hearing~~ by video conference. A link, you will find a link to the video conference is available at the following address: <https://www.cand.uscourts.gov/judges/chhabria-vince-vc/>.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider whether to approve Class Counsel's request for an award of attorneys' fees and expenses, as well as the Settlement Class Representatives' Service Awards. If there are objections, the Court will consider them. Judge Chhabria will listen to people who have asked to speak at the hearing (see **Question 17** above). After the hearing, the Court will decide whether to approve the Settlement.

The date or time of the Final Approval Hearing may change. Please check the Settlement Website, [INSERT WEBSITE], for any updates, and to find out whether the Final Approval Hearing will be held in person or by video conference.

20. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you file an objection, you do not have to come to the Final Approval Hearing to talk about it. If you file your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but such attendance is not necessary for the Court to consider your objection if it was filed on time.

IF I DO NOTHING

21. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will give up the rights explained in **Question 9**, including your right to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendant and the Released Parties about the legal issues or factual allegations resolved by this Settlement. In addition, you will not receive a payment from this Settlement.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at the Settlement Website, [INSERT WEBSITE].

If you have additional questions, you may contact the Settlement Administrator by email, phone, or mail:

Email: [INSERT SETTLEMENT ADMINISTRATOR EMAIL]

Toll-Free: [INSERT SETTLEMENT ADMINISTRATOR PHONE NUMBER]

Mail: [INSERT SETTLEMENT ADMINISTRATOR MAILING ADDRESS]

Publicly filed documents can also be obtained by:

- accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>;
- reviewing the Court's online docket: <https://www.cand.uscourts.gov/judges/chhabria-vince-vc/in-re-facebook-inc-consumer-privacy-user-profile-litigation/>; or
- visiting the office of the Clerk of the United States District Court for the Northern District of California at: Office of the Clerk, United States District Court, 450 Golden Gate Avenue, San Francisco, CA 94102-3489 between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

Please do not telephone the Court, the Clerk's Office, or Meta to inquire about the Settlement or the Claims Process.

[4870-0142-3956, v. 1](#)